PETITION FOR SPECIAL HEARING 85-116-5P4 TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the non conforming/two dwellings now existing on one lot Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County. I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): Contract Purchaser: Robert Briggs - Debra Briggs (Type or Print Name) Monica Franta (wife) 110 Williams Avenue (Type or Print Name) Monica Franta Baltimore, Maryland 21222 City and State Attorney for Petitioner: 1923 Cypress Drive Michael F. Delea, Jr. (Type or Print Name) Bel Air, Maryland 21014 Name, address and phone number of legal owner, contract purchaser or representative to be contacted Michael F. Delea, Jr., Esquire 400 Allegheny Avenue, Towson, MD 21204 ORDERED By The Zoning Commissioner of Baltimore County, this ____4th_____ day .____, 19_84, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the ____5th ____ day of ____November _____, 19_84_, at 10:30 o'clock Zoning Commissioner of Baltimore County. Z.C.O.-No. 1 THE RESERVE OF THE PROPERTY OF

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 Your petition has been received and accepted for filing this 4th day of september, 1984. Zoning Commissioner

Petitioner Roy J. Franta, et ux Received by Micholas B. Commodari Chairman, Zoning Plans Tetitioner's Attorney Michael T. Delea. Tr. Advisory Committee

ZONING PLANS

1.5 1 By

and the control of th

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P. E. DIRECTOR

Mr. Arnold Jablon

Dear Mr. Jablon:

General Comments:

GSB:EAM:ROP:ss

Zoning Commissioner

County Office Building

Towson, Maryland 21204

J. Franta, et ux Williams Ave., 307.92 nt Rd. (110 Williams Av

5-116-SPH of Soller 12th



PETITION AND SITE PLAN

EVALUATION COMMENTS

September 27, 1984

Re: Item #54 (1984-1985

Sollers Point Rd.

Acres: 0.166

The following comments are furnished in regard to the plat submitted to this

office for review by the Zoning Advisory Committee in connection with the subject

As no public facilities are involved, this office has no comment.

District: 12th

Property Owner: Roy J. Franta, et ux

Orllard of Benen Little
GILBERT S. BENSON, P.E., Asst. Chief

Bureau of Public Services

N/S Williams Ave. 307.92' W. from

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211 NORMAN E. GERBER DIRECTOR

> Mr. Arnold Jablon Zoning Commissioner County Office Building Towson, Maryland 21204

10-4-84

Re: Zoning Advisory Meeting of 9-4-84 Item # 54 Item \$ 54
Property Owner: Roy J. Franta, et up
Location: N/S williams Ave.
wof Sollers Paint Rd.

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The Items checked below are

 (X)There are no site planning factors requiring comment.
 ()A County Review Group Meeting is required.
 ()A County Review Group meeting was held and the minutes will be forward by the Bureau of Public Services.)This site is part of a larger tract; therfore it is defined as a subdivision. The plan must show the entire tract.)A record plat will be required and must be recorded prior to issuance of a building permit.)The access is not satisfactory.
)The circulation on this site is not satisfactory.)The parking arrangement is not satisfactory.
)Parking calculations must be shown on the plan.)This property contains soils which are defined as wetlands, and development on these soils is prohibited.)Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
)Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
)The amended Development Plan was approved by the Planning Board)Landscaping should be provided on this site and shown on the plan.
)The property is located in a deficient service area as defined by
Bill 178-79. No building permit may be issued until a Reserve
Capacity Use Certificate has been issued. The deficient service)The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.)Additional comments:

BALTIMORE COUNTY, MARYLAND

Arnold Jablon Date_October 16, 1984 To Zoning Commissioner

INTER-OFFICE CORRESPONDENCE

FROM Office of Planning and Zoning Roy J. Franta, et ux SUBJECT No. 85-116-SpH

NEG/JGH/sf

Norman E. Gerber, Director

The control of the co

In view of the subject matter of this petition, this office offers

Norman E. Gerber Director Office of Planning and Zoning

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 30, 1984

COUNTY OFFICE BLOG. 111 W. Chesabeake Ave. Towson, Maryland 21204 Michael F. Delea, Jr., Esquire 000 400 Allegheny Avenue Nicholas B. Commodari Towson, Maryland 21204 Chairman

RE: Case No. 85-116-A (Item No. 54) Petitioner - Roy J. Franta, et ux Special Hearing Petition

MEMBERS Bureau of Engineering Dear Mr. Delea: Department of Traffic Engineering State Roads Commiss:

Bureau of

Industrial

Development

Fire Provention Realth Department Project Planning

Building Department

Board of Education

Zoning Administration

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the Otherwise, any comment that is not informative will be filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours, Tropolas B. Commoder fas

NICHOLAS B. COMMODARI Chairman

Zoning Plans Advisory Committee

cc: Keller & Keller 3914 Woodlea Avenue

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

NBC:bsc

Enclosures

STEPHEN E. COLLINS DIRECTOR

September 11, 1984

Mr. Arnold Jablon Zoning Commissioner County Office Building Towson, Maryland 21204

> Item No. 49,51,53,54,55, and 56 ZAC- Meeting of September 4, 1984 Property Owner: Location: Existing Zoning:

Acres: District:

Proposed Zoning:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 49, 51, 53, 54, 55, and 56.

MSF/can

There

EXCEEDS the maximum allowed by the Fire Department. () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation. (χ) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy. () 6. Site plans are approved, as drawn. REVIEWER BY Joseph Killy 4-10-84 Approved: Llosof M Melogoman Fire Prevention Bureau

Special Inspection Division () 7. The Fire Prevention Bureau has no comments, at this time. CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 85-116-5PH October 4, 1984 Date of Posting 10/19/89 District 12th Michael F. Delea, Jr., Esquire 400 Allegheny Avenue Towson, Maryland 21204 Posted for Spor Homis, for non can forming use of the dws. Hirs oxisting are one loti Petitioner: Poy J. France of ux Location of property: N/3 Williams fro. 307.92' Wof Sallon PT: Rd. NOTICE OF HEARING RE: Petition for Special Hearing
N/S Williams Ave., 307.92' W of
sollers Point Road (110 Williams Ave.)
Roy J. Franta, et ux - Petitioners
Case No. 85-116-SPH Location of Signs: Facing Williams Arm, appres 10' Freuth. Wisidorf property of Patitioner TIME: 10:30 A.M. DATE: Monday, November 5, 1984 0 85=116-SPH PLACE: Room 106, County Office Building, 111 West Chesapeake , BALTIMORE COUNTY, MARYLAND CERTIFICATE OF PUBLICATION OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT No. 133245 LOCATION: North side of Williams Avenue, 207.27 West of Sollers Point Road DATE 8 77 5/ TOWSON, MD., October 18, 19 84 (110 Williams Avenue)
DATE AND TIME: Monday.
November 5, 1884 at 10:30
A.M. _ACCOUNT K-01-615-178 THIS IS TO CERTIFY, that the amnexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed The Zoning Commissioner of Baitimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing: and published in Towson, Baltimore County, Md., appearing on October 18, , 19 84. Petition for Special Hearing under Section 500.7 of the Bal-timore County Zoning Regula-tions, to determine whether or \$ 149.000 100pole \$231F THE JEFFERSONIAN, (1) lot.

Being the property of Roy J.

Franta, et uz, as shown on the
plat filled with the Zoning Offcc: Mr. and Mrs. Robert was 110 Williams Avenue Baltimore, Maryland 21222 B / Order Of ARNOLD JABLON,

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500

Office of Planning and Zoning

Baltimore County Office Building Towson, MD 21204

Attention: Nick Commodari, Chairman

Zoning Plans Advisory Committee

RE: Property Owner: Roy J. Franta, et ux

Department of Public Works.

() 3. The vehicle dead end condition shown at

September 10, 1984

Zoning Agenda: Meeting of 9/4/84

Location: N/S Williams Avenue 307.92' from Sollers Point Road

Pursuant to your request, the referenced property has been surveyed by this

to be corrected or incorporated into the final plans for the property.

() 2. A second means of vehicle access is required for the site.

Bureau and the comments below marked with an "X" are applicable and required

() 1. Fire hydrants for the referenced property are required and shall be

located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the

PAUL H. REINCKE CHIEF

Mr. Arnold Jablon

Zoning Commissioner

Item No.: 54

Gentlemen:

Pursuant to the advertisement, posting of property, and public hearing on the relation and it

appearing that by reason of the following finding of facts:

PALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES TOWSON, MARYLAND 21204 September 5, 1984 TED ZALESKI, JR. Mr. Arnold Jablon, Zoning Commissioner Office of Planning and Zoning County Office Building Towson, Maryland 2120 Comments on Item #54 Zoning Advisory Committee Meeting are as follows: Property Owner: Roy J. Franta, et ux Location: N/S Williams Avenue 307.92' W. from Sollers Point Road Existing Zoning: D.R. 5.5 Proposed Zoning: Special Hearing to approve a non-conforming use for two dwellings now existing on one lot. Acres: 0.166 District: 12th. A. All structures shall conform to the Baltimore County Building Code 1981/Council Bill 4-82 State of Maryland Code for the Handicapped and Aged; and other appli-B. A building/_____permit shall be required before beginning construction. C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required. Non-reproduced seals and signatures are required on Plans and Technical Data. D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application. (E.) An exterior wall erected within 6'0 for Commercial uses or 3'0 for One & Two Family use group of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'0 of lot lines. A firewall is required if construction is on the lot line, see Table 401, line 2. Section 1407 and Table 1402, also Section 503.2. F. Requested variance appears to conflict with the Baltimore County Building Code, G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that, the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 401. Comments - Separate water and sewerage services are required by the Baltimore County Plumbing Code and State Plumbing regulations unless a written waiver has been granted. The on site water and sewer services have not been shown on these plans. Should a waiver be necessary contact Mr. Vernon Bucher, Chief of Plumbing Inspection. NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room 122 (Plans Review)

ORIGINAL

CERTIFICATE OF PUBLICATION

Dundalk, MD., 10/19 1989

10/18 .19 84

The Baltimore County Journal,

a. Jevers

Publisher

THIS IS TO CERTIFY, that the annexed advertisement

was published in THE BALTIMORE COUNTY JOURNAL, a

weekly newspaper, published in Dundalk, Baltimore County,

Maryland, appearing on

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353 ARNOLD JABLON ZONING COMMISSIONER

85-116-SPH

59191

LEGAL NOTICE *

Putition for Special Hearing 12th Election District

Loco fon: North side of Williams Avenus. 307 92' West of Sollers Point Read (110 Williams Avenue) Date Aud Time: Menday, Hovember S. 1964 at 19:30 a.m. Public Hearing: Room 106. County Office Building, 111 West Chesspools Avenue, Tenson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning. Act and Regulations of Baltimore County, will hold a put-lic hearing Futition for Special Hearing ander Section 500.7 of the Baltimore County Zoning. Regulations, in determine whether or not the Zoning Commissioner and/or Day of Zoning Commissioner and/or Day of Zoning Commissioner should appnus the meaconing who of two (2) dwellings new exact.

Zoning Office.

In the event that this Perston is granted, a building permit may be issued untimate their (30) stay access opened. The Zoning Commissioners will however, entertain any request to a stay of the issuant in a of said permit during this certod for good cause shown such re-west despite their their sevent when a significant causes shown such any by the date of the business are any or well as any by the date of the business are any

ing by the date of the hearing set around in made of the hearing.

See See See See See See See See Order Of

RE: PETITION FOR SPECIAL HEARING

ROY J. FRANTA, et ux,

Petitioners

inary or final Order.

Contract Purchasers.

N/S of Williams Ave., 307.92

Williams Ave.), 12th District

OF BALTIMORE COUNTY

Case No. 85-116-SPH

Phyllis Cole Friedman

Peter Max Zimmerman

Deputy People's Counsel

Rm. 223, Court House

Towson, MD 21204

I HEREBY CERTIFY that on this 16th day of October, 1984, a copy

of the foregoing Entry of Appearance was mailed to Michael F. Delea, Jr.,

Esquire, 400 Allegheny Ave., Towson, MD 21204, Attorney for Petitioners;

and Robert and Debra Briggs, 110 Williams Ave., Baltimore, MD 21222,

People's Counsel for Baltimore County

Peter Hax Zumen

:: `::::

ENTRY OF APPEARANCE

above-entitled matter. Notices should be sent of any hearing dates

or other proceedings in this matter and of the passage of any prelim-

Please enter the appearance of the People's Counsel in the

W of Soliers Point Rd. (110

October 26, 1984

Michael F. Delea, Jr., Esquire 400 Allegheny Avenue Towson, Maryland 21204

RE: Petition for Special Hearing
N/S Williams Ave., 307.92' W of
Sollers Point Rd. (110 Williams Avenue) Roy J. Franta, et ux - Petitioners Case No. 85-116-SPH

Dear Mr. Delea:

This is to advise you that \$47.00 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office. Room 113, County Office Building,

No. 135836 BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT PROM: Pasting + als

85-116 SPH 6 C27 ---- 47DC18 = D54F VALIDATION OR SIGNATURE OF CASHIER

PHONE: 483-5150

KELLER & KELLER

State Registered Land Surveyors 3914 WOODLEA AVENUE BALTIMORE, MARYLAND 21206



Aug. 8th, 1984:

ZONING DESCRIPTION TO ACCOMPANY PLAT FOR SPECIAL EXCEPTION

BEGINNING on the North side of Williams Ave. at the distance of 307.92 measured Westerly from the Southwest side of Sollers Point Rd.; thence along Williams Ave., N. 78° W. 50°; thence N. 12° E. 120° to the Southwest side of a 10' Alley; thence along the Alley S. 78° E. 50'; thence S. 12° W. 120° to the place of beginning.

CONTAINING 6000 sq. ft. of land more or less (NET) BEING k/a Lots #239 & #240 on the Plat of "NEW PITTSBURG", recorded in Baltimore County Plat Book W.P.C. No. 3, folio 72



City, Farm and Topographical Surveys Land Subdivisions Earthwork Computations

Reg. Prof. P.L.S.No. 67

PETITION FOR SPECIAL HEARING

12th Election District

LOCATION:

AND THE RESIDENCE OF THE PROPERTY OF THE PROPE

North side of Williams Avenue, 307.92' West of Sollers Point Road (110 Williams Avenue)

DATE AND TIME:

Monday, November 5, 1984 at 10:30 a.m.

PUBLIC HEARING:

Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing: Petition for Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether and the Zoning Commissioner and/or Deputy Zoning Commissioner should a rove the non-conforming use of two (2) dwellings now existing on one (1) lot.

Being the property of Roy J. Franta, et ux the plat filed with the Zoning Office.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

> BY ORDER OF ARNOLD JABLON ZONING COMMISSIONER OF BALTIMORE COUNTY

IN RE: PETITION SPECIAL HEARING N/S of Williams Avenue, 307.92' W of Sollers Point Road (110 Williams Avenue) -12th Election District

Roy J. Franta,

ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 85-116-SPH

BEFORE THE

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a determination as to whether a nonconforming use exists on property which contains two dwellings, as more particularly shown on Petitioners' Exhibit 1.

* * * * * * * * * * *

Petitioner #

The Petitioners appeared and testified and were represented by Counsel. Testifying in behalf of the Petitioners was Rosalie Stith, a life-long resident of the area and a former tenant on the property. There were no Protestants.

Testimony indicated that the subject property, zoned D.R.5.5, contains a two-story home in the front facing Williams Avenue and a one-story home in the rear. The Petitioners purchased the property in April, 1961, at which time the home in the front was rented to a niece of the owners and the rear home was rented to a tenant. In July, 1961, the Petitioners moved into the front home and continued to rent the rear home to the same tenant. Some months later, the rear shome was rented to Mrs. Franta's parents who have maintained it as their residence since. Mrs. Franta's father has died but her mother still lives in

the Petitioners now wish to sell the property to their daughter and son-inlaw ho intend to live in the home in the front. It is intended that Mrs. Franta's mother will continue to live in the rear home. In order to complete the transaction, the lending institution requires that a formal decision be ren-

Mrs. Stith testified that the property has always been utilized for two dwellings. In fact, she was a tenant in the rear home from 1944 to 1952 and can state with certainty that the property has been continuously and uninterruptedly used as described since that time.

The Petitioners seek confirmation that a nonconforming use exists pursuant to Section 104.1, Baltimore County Zoning Regulations (BCZR).

The testimony and evidence presented clearly support the contention that the property enjoys the nonconforming use of two independent residences that have been in continuous use since the 1930's. After due consideration of the testimony and evidence presented, it is clear that a nonconforming use does exist.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief prayed for should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this ______ day of November, 1984, that the Petition for Special Hearing for a nonconforming use for two detached residences on the subject property be and is hereby GRANTED from and after the date of this Order.

reople's Counsel

pichael F. Delea, Jr., Esquire

Oct. 31-1984

To Whom It may Concern:

We have lived at 104 Williams are pince June 8-1930.

Lo the best of our knowledge, there has been, and pull is two dwellings. at 110 Williams are.

margaset Cechette

PETITIONER'S
EXHIBIT 2

